

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1634

5 By: Representative Pitsch  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING PROCUREMENT PROCEDURES FOR A  
9 DESIGN-BUILD NEW CONSTRUCTION CONTRACT WITH THE STATE  
10 HIGHWAY COMMISSION; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 CONCERNING PROCUREMENT PROCEDURES FOR A  
14 DESIGN-BUILD NEW CONSTRUCTION CONTRACT  
15 WITH THE STATE HIGHWAY COMMISSION  
16 DEPARTMENT.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 27-67-2069(j), concerning the definitions  
23 used in this subsection, is amended to read as follows:

24 (1) As used in this subsection:

25 (A) ~~"Design-builder"~~ "Authorized entity" means a company,  
26 firm, partnership, corporation, association, joint venture, or other legal  
27 entity, including a combination of any of these entities, that makes a  
28 proposal ~~to perform a design-build project contract~~ under this subsection;  
29 ~~and~~

30 (B) "Concession" means a lease, franchise, easement,  
31 permit, or other binding agreement transferring rights for the use or control  
32 of a transportation facility by the commission to a private partner under  
33 this subsection; and

34 (C) "State highway revenues" means highway revenues as  
35 defined under § 27-70-202.  
36



1           (2) Notwithstanding any other provisions of law to the contrary,  
 2 the commission may:

3                   (A) Establish written procedures and regulations for the  
 4 ~~procuring~~ procurement of:

5                               (i) ~~qualifications-based~~ Qualification-based,  
 6 design-build services and for administering design-build project contracts;

7                               (ii) Qualification-based, design-build finance  
 8 services and for administering a design-build finance project contract; and

9                               (iii) An agreement for a concession;

10                   (B) Receive solicited and unsolicited proposals for  
 11 ~~design-build construction projects from a design-builder~~ a project proposed  
 12 under this subsection by an authorized entity;

13                   (C) Award a ~~design-build~~ project contract on a  
 14 qualification basis that offers the greatest value for the state; and

15                   (D) Contract with a ~~design-builder~~ an authorized entity to  
 16 design, construct, improve, and maintain ~~an unlimited number of~~ qualified  
 17 ~~design-build projects, including turnpike projects, when state highway~~  
 18 ~~revenues are not required to fund any portion of the projects' costs; and~~

19                   ~~(E) Contract with design-builders to design, construct,~~  
 20 ~~improve, and maintain qualified design-build projects within ten (10) years~~  
 21 ~~of July 1, 2013, pursuant to Arkansas Constitution, Amendment 91, should~~  
 22 ~~state highway revenues be required to fund any portion of the projects'~~  
 23 ~~costs.~~